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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,698	08/31/2001	Kazuyoshi Tsutsumi	016907-1277	9239
22428	7590	03/09/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			MENBERU, BENIYAM	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,698	TSUTSUMI, KAZUYOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Beniyam Menberu	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/31/2001</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The date printed on the specification, drawing, abstract, and claim is 12/26/01 but the filing date is 8/31/2001.

#### ***Specification***

2. The abstract of the disclosure is objected to because the legal term "means" was used on line 12 of the abstract. Correction is required. See MPEP § 608.01(b).
3. The abstract of the disclosure is objected to because the abstract contains more than 150 words. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities:

On page 4, line 11, "An object of the present invention to provide" should be "An object of the present invention is to provide"

Appropriate correction is required.

#### ***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "25" and "26" have both been used to designate Motor Driver, reference characters "30" and "31" have both been used to designate Motor, and reference characters "15" and "16" have both been used to designate Photo Interrupter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

6. Claims 1, 2, 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6233068 to Kondo in view of U.S. Patent No. 5161029 to Yamanishi.

Regarding claims 1, 5, and 11, Kondo discloses an image reading device and method (column 10, lines 31-34; column 2, lines 65-67) operable in a manually placed document reading mode offered by a manually placed document reading means and an ADF document reading mode offered by an ADF document reading means (column 3, lines 15-24), comprising:

reading mode detecting means which detects which mode of the manually placed document reading mode and the ADF document reading mode a document to be read is in (column 7, lines 61-67; column 8, lines 1-10, lines 17-20);

first reading-speed setting means which sets a reading speed of the ADF document reading means to a predetermined reading speed, upon detection by the reading mode

detecting means that document to be read is in the ADF document reading mode (column 8, lines 6-16). However Kondo does not disclose a second reading-speed setting means which sets a reading speed of the manually placed document reading means to a predetermined reading speed sufficient to reduce image vibration in a result reading by the manually placed document reading means, upon detection by the reading mode detecting means that the document to be read is in the manually placed document reading mode.

Yamanishi discloses a second reading-speed setting means which sets a reading speed of the manually placed document reading means to a predetermined reading speed sufficient to reduce image vibration in a result reading by the manually placed document reading means, upon detection by the reading mode detecting means that the document to be read is in the manually placed document reading mode (column 3, lines 27-31; column 8, lines 40-54).

Kondo and Yamanishi are combinable because they are in the similar problem area of document scanning.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the reading speed adjusting system of Yamanishi with the scanning system of Kondo to implement variable reading speed scanning system.

The motivation to combine the reference is clear because Yamanishi teaches that lower reading speed can reduce vibration or noise (column 8, lines 50-54).

Rgarding claim 2, Kondo in view Yamanishi teach all the limitations of claim 1. Further Yamanishi discloses an image reading device according to claim 1, wherein the

second reading-speed setting means sets, as a moving speed of a scanning carriage utilized in the manually placed document reading means, a speed sufficient to reduce residual vibration in the scanning carriage, in order set the reading speed for the manually placed document reading means a speed sufficient for the reduction of image vibration as a result of the reading by the manually placed document reading means (column 4, lines 38-41; column 8, lines 40-54).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6233068 to Kondo in view of U.S. 6081687 to Munemori et al.

Regarding claim 15, Kondo discloses an image reading method (column 10, lines 31-34; column 2, lines 65-67) operable in a manually placed document reading mode offered by a manually placed document reading means and an ADF document reading mode offered by an ADF document reading means (column 3, lines 15-24), comprising:

detecting which mode of the manually placed document reading mode and the ADF document reading mode a document to be read is (column 7, lines 61-67; column 8, lines 1-10, lines 17-20). However Kondo does not disclose a changing between a reading speed of the manually placed document reading means set upon the detection by reading mode detecting means that the document to be read is in the manually placed document reading mode and a reading speed of the ADF document reading means set upon the detection that the document be read is in the ADF document reading mode.

Munemori et al disclose a changing between a reading speed of the manually placed document reading means set upon the detection by reading mode detecting means that the document to be read is in the manually placed document reading mode and a reading speed of the ADF document reading means set upon the detection that the document be read is in the ADF document reading mode (Munemori et al disclose a speed setting for stationary document scan mode (which corresponds to manually placed document) and speed setting for moving document scan mode (which corresponds to the ADF mode) (column 11, lines 9-14; column 20, lines 8-13)).

Kondo and Munemori et al are combinable because they are in the similar problem area of document scanners.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the speed changing means taught by Munemori et al with the document scanning system of Kondo to implement variable speed settings for different scan modes.

The motivation to combine the reference is clear because the speed adjusting means taught by Munemori et al provides for a means to control speed depending on the mode of the scanner.

8. Claims 3, 4, 6-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6233068 to Kondo in view of U.S. Patent No. 5161029 to Yamanishi further in view of U.S. Patent No. 6081687 to Munemori et al.

Regarding claims 3 and 4, Kondo in view of Yamanishi teach all the limitations of claim 1. Yamanishi discloses an image reading device according to claim 1, wherein the

second reading-speed setting means sets to a speed sufficient to reduce image vibration caused by the reading by the manually placed document reading means (column 8, lines 40-54). However Kondo in view of Yamanishi does not disclose second reading-speed setting means that sets a speed sufficient to guarantee a printing operation of a printer main body for simultaneous printing at a predetermined speed, of the result of the reading by the manually placed document reading means.

Munemori et al disclose reading-speed setting means that sets a speed sufficient to guarantee a printing operation of a printer main body for simultaneous printing at a predetermined speed, of the result of the reading by the manually placed document reading means (column 3, lines 50-60; column 11, lines 9-14).

Kondo, Yamanishi, and Munemori et al are combinable because they are in the similar problem area of document scanners.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the device for simultaneous printing of scanned documents as taught by Munemori et al with the scanning system of Kondo in view of Yamanishi to implement a fast document scanning system.

The motivation to combine the reference is clear because Munemori et al teaches that processing time can be reduced using this method (column 3, lines 61-67).

Regarding claim 7, Kondo in view of Yamanishi further in view of Munemori et al teach all the limitations of claim 6. Further Yamanishi and Munemori et al disclose an image reading device according to claim 6, wherein the second reading-speed setting means sets, as a moving speed of a scanning carriage utilized in the manually placed



document reading means, a speed sufficient to reduce residual vibration in the scanning carriage, in order to reduce the reading speed for the manually placed document reading means to the speed slower than the reading speed for the ADF document reading means sufficient to reduce image vibration in a result of reading by the manually placed document reading means (Yamanishi: column 3, lines 27-31; column 8, lines 40-54; Munemori et al: column 11, lines 9-14).

Regarding claims 8 and 9, Kondo in view of Yamanishi further in view of Munemori et al teach all the limitations of claim 6. Further Yamanishi and Munemori et al disclose an image reading device according to claim 6, wherein the second reading-speed setting means reduces the reading speed of the manually placed document reading means to a speed slower than the reading speed of the ADF document reading means sufficient to reduce image vibration as a result of reading by the manually placed document reading means and sufficient to guarantee a printing operation of a printer main body for simultaneous printing at a predetermined speed, as a result of reading by the manually placed document reading means (Yamanishi: column 3, lines 27-31; column 8, lines 40-54; Munemori et al: column 3, lines 50-60; column 11, lines 9-14).

Regarding claim 12, Kondo in view of Yamanishi teach all the limitations of claim 11. Further Yamanishi and Munemori et al disclose an image reading device according to claim 11, wherein the second reading-speed setting means sets, as a moving speed of a scanning carriage utilized in the manually placed document reading means, a speed sufficient to reduce residual vibration in the scanning carriage, in order

to change from the reading speed of the ADF document reading means to the reading speed of the manually placed document reading means sufficient to reduce image vibration as a result of reading by the manually placed document reading means (Yamanishi: column 3, lines 27-31; column 8, lines 40-54; Munemori et al: column 11, lines 9-14).

Regarding claim 13, Kondo in view of Yamanishi teach all the limitations of claim 11. Further Yamanishi and Munemori et al disclose an image reading device according to claim 11, wherein the second reading-speed setting means changes the reading speed of the manually placed document reading means from the reading speed of the ADF document reading means, to a speed sufficient to reduce image vibration as result of reading by the manually placed document reading means and sufficient to guarantee a printing operation of a printer main body for simultaneous printing at a predetermined speed, of the result of the reading by the manually placed document reading means (Munemori et al: column 3, lines 50-60; column 11, lines 9-14; Yamanishi: column 8, lines 40-54 ).

Regarding claim 14, Kondo in view of Yamanishi teach all the limitations of claim 11. Further Yamanishi and Munemori et al disclose an image reading device according to claim 11, wherein the second reading-speed setting means sets, as a moving speed of a scanning carriage utilized in the manually placed document reading means, a speed sufficient to reduce residual vibration in the scanning carriage, in order to change the reading speed of the manually placed document reading means from the reading speed of the ADF document reading means to a speed sufficient to reduce image

vibration in a result of reading by the manually placed document reading means and sufficient to guarantee a printing operation of a printer main body for simultaneous printing at a predetermined speed, of the result of the reading by the manually placed document reading means (Yamanishi: column 3, lines 27-31; column 8, lines 40-54; Munemori et al: column 3, lines 50-60; column 11, lines 9-14).

Regarding claims 6 and 10, Kondo disclose an image reading device (column 2, lines 65-67) and method (column 1, lines 61-63) operable in a manually placed document reading mode offered by a manually placed document reading means and an ADF document reading mode offered by an ADF document reading means, comprising: reading mode detecting means which detects in which mode of the manually placed document reading mode and the ADF document reading mode a document to be read is in (Kondo: column 7, lines 61-67; column 8, lines 1-10, lines 17-20); a first reading-speed setting means which sets a reading speed for the ADF document reading means to a predetermined reading speed, upon detection by the reading mode detecting means that the document to be read is in the ADF document reading mode (Kondo: column 8, lines 6-16). However Kondo does not disclose a second reading-speed setting means which sets a reading speed for the manually placed document reading means to a speed slower than reading speed for the ADF document reading means, upon detection by the reading mode detecting means that the document to be read is in the manually placed document reading mode.

Yamanishi discloses that at a lower speed of the scanner motor, vibration can be reduced (column 3, lines 27-31; column 8, lines 40-54).

Munemori et al discloses speed setting means for different scan modes (Munemori et al disclose a speed setting for stationary document scan mode (which corresponds to manually placed document) and speed setting for moving document scan mode (which corresponds to the ADF mode) (column 11, lines 9-14; column 20, lines 8-13)).

Kondo, Yamanishi, and Munemori et al are combinable because they are in the similar problem area of document scanners.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the lower speed setting taught by Yamanishi and the speed setting means of Munemori et al with the document scanning system of Kondo to implement an accurate document scanning system.

The motivation to combine the reference is clear because Yamanishi teaches that slower scanning can reduce vibration (column 8, lines 40-54), thus this speed setting can be applied to the system of Munemori et al in view of Kondo to implement an accurate scanning system.

#### ***Other Prior Art Cited***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5365323 to Ando discloses a recording device for images.

U.S. Patent No. 5547295 to Kanemitsu discloses a motor for driving a carriage motor.

U.S. Patent No. 4295167 to Wiggins discloses a carriage speed controller for a scanner.

U.S. Patent No. 4748514 to Bell discloses a control for the scanning speed.

U.S. Patent No. 5920381 to Katsuta discloses a document feeder.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (703) 306-3441. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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For more information about the PAIR system, see [<http://pair-direct.uspto.gov/>](http://pair-direct.uspto.gov/).

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Patent Examiner***

Beniyam Menberu

BM  
03/3/2005

Handwritten signature of Kimberly Williams in black ink.

**KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER**